

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION

KENNETH LEE BELL,

Plaintiff

VS.

DR. OKUWOBI, *et al.*,

Defendants

NO. 5:04-CV-18 (WDO)

**PROCEEDINGS UNDER 42 U.S.C. § 1983
BEFORE THE U. S. MAGISTRATE JUDGE**

ORDER

Plaintiff KENNETH LEE BELL is an inmate in the custody of the State of Georgia. He has sued defendants DR. OKUMOBI, DR. HARRIS, P.A. HERMAN, and P.A. SINCLAIR, alleging that the defendants violated his constitutional rights while he was incarcerated at Telfair State Prison in Helena, Georgia and Bostick State Prison in Hardwick, Georgia. Plaintiff claims he was not properly treated for his Hepatitis C infection. He also claims that he was not given the proper medication and pain relief for the side effects from the treatment that he did receive.

Before the court is the plaintiff's **MOTION FOR CONTINUANCE FOR RESPONSE TO DEFENDANTS' MOTION FOR SUMMARY JUDGMENT** (Tab #62) and the defendants' RESPONSE to that Motion. (Tab#63). The plaintiff seeks the continuance in light of this court's Order that the proposed expert testimony of Dr. William Thompson proffered by the plaintiff was inadmissible (Tab #61), which left the plaintiff without an expert witness on the treatment of Hepatitis C.

The undersigned agrees with the defendants that the plaintiff should have been securing alternative expert testimony upon hearing that the defendants planned to challenge the qualifications of his proposed expert. However, the undersigned also believes that justice requires the plaintiff be afforded **one more opportunity** to make his case.

Accordingly, the plaintiff's MOTION FOR CONTINUANCE (Tab #62) is hereby **GRANTED**. The plaintiff shall be afforded **THIRTY (30) DAYS** from the date of this Order to respond to the defendants' MOTIONS FOR SUMMARY JUDGMENT. The response may include expert affidavits on the treatment of Hepatitis C, but such opinions will only be permitted as to the specific treatment received by plaintiff BELL while incarcerated. Testimony regarding the treatment of Hepatitis C in the Georgia prison system in general is still not relevant to the case of plaintiff BELL and will still not be allowed.

As for the plaintiff's request that he be permitted to submit further evidence of the education, experience, and expertise of Dr. Thompson, the plaintiff had ample opportunity to provide the court with that information when the court was considering the defendants' MOTION IN LIMINE (TAB #45), which dealt solely with that issue. Accordingly, the plaintiff's request to submit more evidence with regard to Dr. Thompson's qualifications is **DENIED**.

SO ORDERED, this 23rd day of MAY, 2006.



A handwritten signature in blue ink, reading "Claude W. Hicks, Jr." in a cursive script.

CLAUDE W. HICKS, JR.
UNITED STATES MAGISTRATE JUDGE